



IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI
(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF MAY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD
WRIT PETITION NO: 6445 OF 2024

Between:

Smt.A.Rani, W/o J.Srinivas, Aged 46 years, Occ Joint Commissioner of Labour, Zone II, Eluru R/o. F.No.SF-2, Brundavan Residency, OppGovt College 2ndGate, Sivapuram Colony, Ramesh Hospital Road, Vijayawada, Andhra Pradesh.

Petitioner

AND

1. The State of Andhra Pradesh, Rep., by Chief Secretary, Blcok-1, AP Secretariat, Velagapudi, Guntur Dist.
2. State of Andhra Pradesh, Rep., by its Secretary, Labour, Factories, Boilers and IMS Dept, AP Secretariat, Velagapudi, Guntur Dist.
3. Union of India, rep.by its Secretary, Ministry of Labour& Employment, Shram Shakti Bhavan, Rafi Marg, New Delhi.
4. Sri Dara Srinu, S/o Shri Mahalaxmi Dara, OSD to the Hon'ble Minister for Housing, Blcok-4,AP Secretariat, Velagapudi, Guntur Dist.

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any writ, order or directions particularly in the nature of WRIT OF MANDAMUS declaring the action of the 1st Respondent in absorbing the 4TH Respondent from Central Labour Service in to AP Government Service as Additional Commissioner of Labour as special case, by creating supernumerary post of Additional Commissioner of Labour, O/o the Commissioner of Labour vide G.O.Ms.No.4 dated 07.03.2024 as arbitrary, illegal and violative of principles of natural justice and under Articles 14, and

21of the Constitution of India and against the service rules and consequently to set aside the same.

IA NO: 1 OF 2024

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the G.O.Ms.No.4 dated 07.03.2024 issued by the 1st Respondent absorbing the 4th Respondent from Central Labour Service in to AP Govt Service as Additional Commissioner of Labour as special case, by creating one supernumerary post of Additional Commissioner of Labour, pending disposal of the Writ Petition No. 6445 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the orders of the High Court dated:18.03.2024and upon hearing the arguments of Sri M. Srikanth, Counsel for the Writ Petitioner(appearing through video conference), Smt.M.Hemalatha, Assistant Government Pleader for Respondent No.2 and Sri M.R.K.Chakravathy, Counsel for the Respondent No.4 the Court made the following.

ORDER:

Heard Sri Y.Surya Prasad, Learned Counsel for the Writ Petitioner in W.P.No.8598 of 2024 and Sri.M.Srikanth, Learned Counsel for the Writ Petitioner in W.P.No.6445 of 2024 and Sri O.Manohar Reddy, Learned Senior Counsel appearing for Sri.M.R.K.Chakaravarthy, Learned Counsel for the respondent No.4.

2. Due to paucity of time this matter cannot be heard before vacation.

3. It is submitted by Sri O.Manohar Reddy, Learned Senior Counsel that the post of the Un-official Respondent No.4 is now hanging in the air. Having considered this submission, it is clarified that the Un-official Respondent No.4 is at liberty to join the Parent Department in the Central Service. In the event that he joins in the Parent Department, this Court clarifies the position that such joining shall not cause prejudice to his rights in the present case and his right to be considered in the A.P.State Cadre and the same shall be subject to the final outcome in the present Writ Petition.

4. List the matter for final hearing on 20.06.2024.

5. Parties are directed to file Synopsis and chronological sequence of events along with Citations in the meantime. This case will finally be heard on the next date.

Sd/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

//TRUE COPY//

For / SECTION OFFICER

To,

1. The Chief Secretary, State of Andhra Pradesh, Block-1, AP Secretariat, Velagapudi, Guntur Dist.
2. The Secretary, Labour, Factories, Boilers and IMS Dept, State of Andhra Pradesh, AP Secretariat, Velagapudi, Guntur Dist.
3. The Secretary, Ministry of Labour & Employment, Union of India, Shram Shakti Bhavan, Rafi Marg, New Delhi.
4. Sri Dara Srinu, S/o Shri Mahalaxmi Dara, OSD to the Hon'ble Minister for Housing, Block-4, AP Secretariat, Velagapudi, Guntur Dist. (1 to 4 by RPAD)
5. One CC to SRI.M.SRIKANTH Advocate [OPUC]
6. One CC to Sri M.R.K. Chakravarthy, Advocate (OPUC)

7. Two CCs to GP FOR SERVICES I, High Court of Andhra Pradesh.
[OUT]
8. Two CCs to DEPUTY SOLICITOR GENERAL, High Court of Andhra Pradesh.(OPUC)
9. One spare copy

KJ

HIGH COURT

GRKP,J

DATED:09.05.2024

NOTE: LIST THE MATTERFOR FINAL HEARING ON 20.06.2024

ORDER

WP.No.6445 of 2024

DIRECTION

